

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARISA E.,

Plaintiff,

-v-

5:22-CV-1368

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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Special Ass't U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On December 19, 2022, plaintiff Marisa E.¹ (“plaintiff”) filed this civil action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying her application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”). Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 3, 7, 9. Thereafter, U.S. Magistrate Judge Thérèse Wiley Dancks granted the IFP Application, Dkt. No. 11, the Commissioner filed a certified copy of the Administrative Record, Dkt. No. 16, and both parties briefed the matter in accordance with General Order 18. Dkt. Nos. 17, 20, 21.

On January 12, 2024, Judge Dancks advised that plaintiff’s motion be denied, the Commissioner’s motion be granted, and that the Commissioner’s final decision be affirmed. Dkt. No. 22. Neither party has filed objections, and the time in which to do so has expired. *See id.* Thus, upon review for clear error, Judge Dancks’s Report & Recommendation is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only the first name and last initial of plaintiff will be mentioned in this opinion.

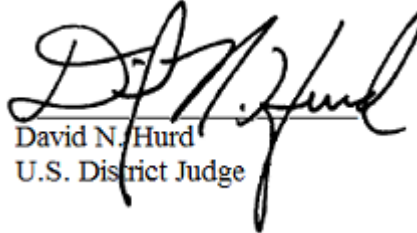
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's motion is DENIED;
3. The Commissioner's motion is GRANTED;
4. The Commissioner's decision is AFFIRMED; and
5. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: January 30, 2024
Utica, New York.



David N. Hurd
U.S. District Judge